

Notice of Allowability

Application No.

10/071,865

Examiner

Matthew O Savage

Applicant(s)

CHIGA, ANTONIO

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 9-22-03.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 08 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Matthew O Savage
Primary Examiner
Art Unit: 1723

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven Shurtz on 12-12-03.

1. (amended) In a filter for fluid fuels, having a supporting body supporting a filter fabric and serving to keep opposite sides of a filter body formed by the filter fabric spaced from one another, and a pump connection neck provided on the exterior of the filter body, which, in the interior of the filter body has an inlet opening, wherein the supporting body is enclosed in the filter fabric and has a connection to the exterior by the inlet opening and the pump connection neck and, wherein the filter has a first part comprising the pump connection neck and at least one second part positioned at an angle with respect to the first part, the improvement comprising the first part being formed by a monolithic tubular body having a main axis and an exterior, which, at its first end, has the pump connection neck positioned in a substantially right angle with respect to the main axis of the tubular body and, which, at its second end, has the axially extending inlet opening, said body including an imperforate tubular portion extending between said first end and said second end, in that the tubular body opposite to the pump connection neck has an intake opening covered by filter fabric, in that the filter body, made of the supporting body and the filter fabric, forms the second part of

the filter and the filter body being fixedly connected with the tubular body in a chosen angular position with respect to the same.

13. (amended) A fuel filter comprising:

a) a first part comprising a monolithic tubular body having an axis and

i) a pump connection neck positioned at a substantially right angle with respect to said axis on a first end of the tubular body,

ii) an inlet opening on a second end of the tubular body opposite to the pump connection neck and extending in the direction of the axis of the tubular body; and

iii) said body including an imperforate tubular portion extending between said first end and said second end;

iiii) an intake opening into said tubular body, said intake opening being covered by a filter fabric; and

b) a second part comprising a supporting body inside of a filter fabric envelope holding the filter envelope open, the supporting body being fixedly connected to the tubular body at a predetermined angle, and the axially extending inlet opening providing fluid communication between the interior of the filter envelope and the tubular body.

14. (amended) A vehicle fuel filter for mounting to a fuel pump in a fuel tank comprising:

a) a monolithic tubular body [having an] surrounding a central axis, a first end and a second end opposite the first end, the second end comprising an inlet opening, said body including an imperforate tubular portion extending between said first end and said second end;

b) a pump connection neck positioned on the first end of the tubular body and having a filter outlet opening facing upwardly for mounting the filter on a fuel pump intake, the filter outlet opening having an axis at a substantially right angle to the axis of the tubular body;

c) an intake opening covered by a filter fabric on the first end of said tubular body;

[c)] d) an envelope of filter fabric surrounding the inlet opening such that fuel entering into the envelope can pass into the tubular body through the inlet opening; and

[d)] e) a supporting body fixedly connected to the tubular body at the second end and at a predetermined angle to the tubular body, at least a portion of the supporting body preventing the filter envelope from collapsing.

On page 5 of the specification:

On line 23, -- The tubular body includes an imperforate tubular portion extending between the first end and the second end. -- has been inserted after "16."

on line 26, "26" has been changed to --28--; on line 30, "14" has been changed to --4--.

On line 27 of page 6 of the specification, "36" has been changed to --16--.

The following is an examiner's statement of reasons for allowance: WO 00/03784 to Chiga and U.S. Patent 5,795,468 to Reising et al are considered the closest prior art. Chiga fails to teach or suggest the limitation of the body including an imperforate tubular portion extending between the first end and the second end as recited in instant claims 1, 13, and 14. Reising et al fails to teach or suggest the limitation of the tubular body opposite the pump connection neck as having an intake opening covered by the filter fabric as recited in claim 1, or the limitation of an intake opening into the tubular body covered by filter fabric as recited in claim 13, or the limitation of an intake opening covered by a filter fabric on the first end of the tubular body as recited in claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

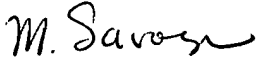
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 10/071,865
Art Unit: 1723

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1101.


Matthew O Savage
Primary Examiner
Art Unit 1723

mos
December 12, 2003